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**DATE:** October 28, 2004  
**TO:** Examiner Barbara N. Burgess  
**FIRM:** USPTO, Group Art Unit 2157  
**FAX #:** (703) 872-9306  
**PHONE:** (703) 305-3366  
**FROM:** Jon A. Gibbons

**TOTAL NUMBER OF PAGES: 16**  
**(INCLUDING THIS PAGE)**

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**MESSAGE:**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Michael L. EMENS et al.

**Serial No.:** 09/611,839

**For:** *SOFTWARE AND METHOD FOR CONTROLLING  
THE TIMING OF DELAYED DOWNLOADS*

**Enclosed are the following:**

Transmittal letter (1 page); and Response with Amendment (14 pages)

**Docket No.:** AM9-1999-0218

**110-A99-173**

**October 28, 2004**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Atty. Docket No. AM9-1999-0218  
 Michael L. EMENS, et al. : Group Art Unit: 2157  
 Serial No. 09/611,839 : Examiner: Barbara N. Burgess  
 Filed: July 7, 2000 : Confirmation No. 6929  
 For: SOFTWARE AND METHOD FOR CONTROLLING THE TIMING OF DELAYED DOWNLOADS

TRANSMITTAL

**MAIL STOP AMENDMENT**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

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SIR:

Transmitted herewith is an amendment in the above-identified application.

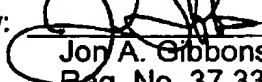
☒ No additional filing fee is required.The fee has been calculated as shown below. *(Small entity fees indicated in parentheses.)*

CLAIMS AS AMENDED						
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Claims Remaining After Amendment		Highest Number Previously Paid For	Extra Claims	Rate	Fee
Total Claims (Small Entity)	19	-	21	0	18.00 (9.00)	0
Independent claims (Small Entity)	5	-	5	0	88.00 (44.00)	0
Multiple Dependent (Small Entity)	0	-	0	0	300.00 (150.00)	0
Extension of Time Fee (Small Entity)	One Month \$110 (\$55)		Two Months \$430 (\$215)	Three Months \$980 (\$490)		0
Total						\$0.00

☒ The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 09-0441.

Respectfully submitted,

Date: 10/28/04

By:   
 Jon A. Gibbons  
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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	:	09/611,839	Confirmation No. 6929
Applicant	:	Michael L. EMENS et al.	
Filed	:	July 7, 2000	
TC/A.U.	:	2157	
Examiner	:	Barbara N. BURGESS	
Docket No.	:	AM9-1999-0218	
Customer No.	:	23334	

**VIA FACSIMILE (703) 872-9306**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450  
**Attention: Examiner Barbara N. BURGESS**

**RESPONSE WITH AMENDMENT UNDER 37 C.F.R. § 1.111**

Sir:

The following amendment is being submitted in response to the Office Action dated July 28, 2004 in connection with the above-identified application. Please enter and consider the following amendment and remarks as follows:

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the

date 10/28/04, 2004 By: Kathleen Schlosborn  
 Signature: Kathleen Schlosborn  
 Applicant, Assignee, or Representative

AM9-1999-0218

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09/611,839